

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT PRUESNER,

Petitioner,

v.

CASE NO. 2:20-CV-12164
HONORABLE VICTORIA A. ROBERTS

RANDEE REWERTS,

Respondent.

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ORDER DENYING MOTION TO ALTER OR AMEND JUDGMENT

This is a pro se habeas case brought pursuant to 28 U.S.C. § 2254. This matter is before the Court on Petitioner's Motion to Alter or Amend Judgment brought pursuant to Federal Rule of Civil Procedure 59(e) concerning the Court's denial of federal habeas relief.

A district court may grant a Rule 59(e) motion to alter or amend if there is: "(1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice." *Michigan Flyer LLC v. Wayne Co. Airport Auth.*, 860 F.3d 425, 431 (6th Cir. 2017) (citing *Leisure Caviar, LLC v. United States Fish & Wildlife Svs.*, 616 F.3d 612, 615 (6th Cir. 2010)); *Henderson v. Walled Lake Consol. Sch.*, 469 F.3d 479, 496 (6th Cir. 2006). Petitioner makes no such showing. Rather, he merely argues that the Court erred in ruling on his ineffective assistance of counsel claims. A motion to alter or amend judgment, however, may not be used to relitigate issues of disagreement with the Court's initial ruling. *See Howard v. United States*, 533 F.3d 472, 475 (6th Cir. 2008) (explaining that Rule 59(e) "allows for reconsideration; it does not permit parties to effectively 'reargue a case'"); *Sault Ste. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998) ("A motion under Rule 59(e) is not an

opportunity to reargue a case.”). The Court’s denial of habeas relief in this case was appropriate. Petitioner fails to show that he is entitled to post-judgment relief under Rule 59(e). Accordingly, the Court **DENIES** his Motion to Alter or Amend Judgment. This case remains closed.

IT IS SO ORDERED.

s/ Victoria A. Roberts
VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

Dated: June 13, 2022